IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

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WRIT PETITION NO : 17604 of 2004

Between:

A.Durgaiah, S/o. Lingaiah,
R/o. Plot No.16, Indraprastha Colony, Nagole,

Bundlaguda, R.R.District-500 068.

..... PETITIONER

AND

The Depot Manager, APSRTC, Picket Depot, Secunderabad.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order, direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in issuing the suspension order dt.20-9-2004 suspending the petitioner from his services as illegal, arbitrary and unjust and consequently set aside the suspension order dt.20-9-2004 and lift the suspension by taking the petitioner into service with all benefits.

Counsel for the Petitioner: MR.G.RAVI MOHAN

Counsel for the Respondent: MR.V.T.M.PRASAD, Standing Counsel for A.P.S.R.T.C.

The Court at the stage of admission made the following :

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THE HONOURABLE DR.JUSTICE G.YETHIRAJULU

Writ Petition No. 17604 of 2004

ORDER:

The petitioner is working as a Conductor in the respondent-Corporation since 1986. The allegation against the petitioner is that he was entrusted with a cash of Rs.175/- by an authorised agent on 01.09.2004 asking the petitioner to handover the same to the A.D.C. The petitioner instead of handing over the said money on the same date, handed over the same to the A.D.C. on 02.09.2004, therefore, it was treated as a temporary misappropriation of the amount and a charge-sheet was issued on 20.09.2004 regarding the alleged temporary misappropriation. Simultaneously the respondent kept the petitioner under suspension through the order dated 20.09.2004.

2. The petitioner contends that though he served the Corporation for a period of eighteen years with an unblemished record, he was implicated in the enquiry for non-remittance of the amount of Rs.175/- received from the authorised agent on the date on which it was received and the remittance on the next morning was treated as late remittance and regarded the same as a temporary misappropriation.

3. Having regard to the nature of the misconduct attributed on the petitioner, keeping the petitioner under suspension is not warranted, therefore, I am inclined to set aside the order of suspension dated 20.09.2004.

4. The Writ Petition is accordingly allowed. No order as to costs. The order of suspension of the petitioner dated 20.09.2004 issued by the respondent is set aside. This order will not preclude the respondent to proceed with the enquiry, regarding the charge sheet issued to the petitioner and pass to appropriate orders according to the procedure, depending upon the treatment of nature of misappropriation whether

minor or major penalty.

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Dr.G.YETHIRAJULU, J

Date:30th September, 2004.

Cs

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1.The Depot Manager, APSRTC, Picket Depot, Secunderabad.

2.Two C.D. copies.